

REMARKS**Summary of the Office Action**

Claims 3-11 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,124,799 to *Parker* in view of PCT Publication No. WO98/57511 to *Telia et al.* and in further view of U.S. Patent No. 6,052,581 to *O'Connell et al.*

Summary of the Response to the Office Action

Applicants respectfully traverse the rejection of claims 3-11 under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Parker* in view of *Telia et al.* and in further view of *O'Connell et al.*

Accordingly, claims 3-11 are presently pending for consideration.

All Claims Recite Allowable Subject Matter

Claims 3-11 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Parker* in view of *Telia et al.* and in further view of *O'Connell et al.* Applicants respectfully traverse the rejection for at least the following reasons.

As previously presented, independent claim 9 recites a method of unlocking a mobile telephone including, in part, the steps of “the user, through said mobile telephone, establishing a communication by using a calling number relating to the manufacturer” and “said mobile phone proceeding itself to unlocking using the received unlocking information.” *Parker*, *Telia et al.*, and *O'Connell et al.*, whether taken alone or in combination, do not obviate independent claim 9 for at least two reasons. First, the applied references teach away from their combination. Second, the applied references do not teach each and every feature of independent claim 9.

The Office Action admits that the combination of *Parker* and *Telia et al.* “do not explicitly disclose that the user establishes a communication by using a calling number relating to the manufacturer of the handset in order to perform the unlocking function.” Paragraph 3. To overcome this admitted deficiency of *Parker* and *Telia et al.*, the Office Action relies upon the teachings of *O’Connell*. The Office Action alleges that “it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the unlocking method taught in the combination of *Parker* and *Telia et al.* to include calling a number relating to the manufacturer, as taught by *O’Connell*, in order to properly contact the controlling entity to which the handset is locked. Paragraph 3. Applicants respectfully disagree.

Parker teaches away from its combination with *O’Connell*. *Parker* is directed to a method of activating a handset for use in a network. Col. 8, lines 15-19. Prior to its purchase, the handset 20 is locked such that only emergency and activation calls may be established. Col. 8, lines 19-21. In particular, a user inserts a SIM 40 into a handset 20 upon the purchase of the handset 20. Col. 8, lines 21-26. At step 106, the handset 20 sends subscriber identification information when transmitting the number dialed on the handset 20 to a mobile base station 50. Col. 8, lines 29-35. In the proceeding steps, the call is routed to the network’s CSC 80 for activation. Col. 8, lines 40-52. *Parker* expressly provides that the CSC 80 is associated with the network operator. Abstract at lines 18-20. As *Parker* describes a method for activating a handset at the network operator, *Parker* would not have been motivated to perform activation at the manufacturer. In contrast to the teachings of *Parker*, *O’Connell* states that the “user may call a freephone run by the phone manufacturer or another party if appropriate and request that a feature be added to his or her telephone.” Col. 9, lines 28-31.

Moreover, *Parker*, *Telia et al.*, and *O'Connell et al.*, whether taken alone or in combination, fail to teach or suggest all the features of independent claim 9. *O'Connell* discloses that additional features may be added to an already unlocked phone. *O'Connell* states that the “user may call a freephone run by the phone manufacturer or another party if appropriate and request that a feature be added to his or her telephone.” Col. 9, lines 28-31. Thus, *O'Connell* fails to teach or suggest the steps of the steps of “the user, through said mobile telephone, establishing a communication by using a calling number relating to the manufacturer” and “during this communication, the mobile telephone transmitting to said calling number, an unlocking request using digital data comprising an identification number of the mobile telephone,” as claimed.

Thus, the Office Action has not established a *prima facie* case of obviousness at least because *Parker*, *Telia et al.*, and *O'Connell et al.*, whether taken alone or in combination, fail to teach or suggest each and every recited feature of independent claim 9 and because the applied references teach away from their combination. Accordingly, the rejection of independent claim 9 is improper and should be withdrawn. Furthermore, claims 3-8, 10, and 11 depend from independent claims 9. Accordingly, claims 3-8, 10, and 11 are also allowable for at least the reasons stated above.

CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the Response, the Examiner is invited to contact the Applicants' undersigned representative to expedite prosecution.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,
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